

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JAMI SEEBY ALEGRIA,

Plaintiff,

v.

UNITED PARCEL SERVICES,

Defendant.

CASE NO.: 3:13-CV-00465-RCJ-WGC

ORDER

The Court has considered the Report and Recommendation of United States Magistrate (ECF #3) entered on October 8, 2013, in which the Magistrate Judge recommends that the Court grant Plaintiff's application to proceed *In Forma Pauperis*, and the Clerk of the Court shall file Plaintiff's Complaint. The Court has considered the pleadings and memoranda of the parties and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing, the court hereby

ADOPTS AND ACCEPTS the Report and Recommendation of the United States Magistrate Judge (ECF #3).

IT IS HEREBY ORDERED that Plaintiff's Application to Proceed *In Forma Pauperis* (ECF #1) is GRANTED. The Clerk of the Court shall file the Complaint (ECF #1-1).

IT IS FURTHER ORDERED that Count I of the Complaint is DISMISSED with prejudice.

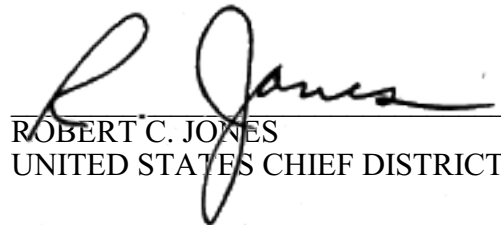
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1 IT IS FURTHER ORDERED that Count II is DISMISSED with leave to amend.

2 IT IS FURTHER ORDERED that Count III, insofar as it seeks to assert retaliation claims  
3 based on harassment under Title VII and/or the FLSA and Equal Pay Act, be allowed to proceed;  
4 however, insofar as it seeks to assert a claim that defendant violated the FMLA, Count II should be  
5 dismissed with leave to amend.

6 IT IS FURTHER ORDERED that Plaintiff shall file an Amended Complaint thirty days  
7 from entry of this order.

8 IT IS SO ORDERED this 22<sup>nd</sup> day of October, 2013.

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11 ROBERT C. JONES  
12 UNITED STATES CHIEF DISTRICT JUDGE  
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